THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1384 of 1999

Date: 13.06.2007

Between:

Syed Kamalulla Basha @ Sajjad Peeran.

....Petitioner

And

Govt. of A.P. rep. By its Prl. Secretary and others.

....Respondents

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O R D E R:

The petitioner was appointed as a Khazi for the entire Kadapa town in the year 1958. After four decades, the first respondent appointed the third respondent as Additional Khazi for ward Nos.1 to 10 of Kadapa town, through orders in G.O.Ms.No.2, Minorities Welfare (Wakf-I) Department, dated 01.01.1999. The petitioner challenges the same, on the ground that the procedure prescribed under the Khazis Act, 1880 (for short 'the Act') was not followed, while appointing the third respondent. It is also urged that the first respondent did not consult the local Muslims nor there was any demand or request by them to appoint an Additional Khazi for the same place.

Respondent No.1 on the one hand and respondent No.3 on the other filed separate counter affidavits. It is stated that the necessity to appoint the 3rd respondent arose, on account of the increase in population and there was also demand by local Muslims for appointment of

Additional Khazi.

Heard Sri P.Veera Reddy, the learned counsel for the petitioner, the learned Government Pleader for Minority Welfare Department and Sri M.B.Thimma Reddy, the learned counsel for the 3rd respondent.

It is the prerogative of the State Government to appoint Khazis for various areas. The Act empowers the Government to appoint Additional Khazi for the same area. The Khazis, so appointed, are also permitted to engage or appoint Naib Khazis to assist them.

The Khazis are required to discharge some functions, which are mostly related to the personal matters of the citizens belonging to the Community. Judicial notice of the growth of population over the four decades can be taken. For a large place like Kadapa town, one Khazi is certainly not sufficient to meet the demand. The allegation of the petitioner that the first respondent did not undertake consultation, before appointing the third respondent, is specifically denied. The petitioner does not have any right to prevent or oppose the appointment of Additional Khazis. This Court does not find any legal or factual infirmity in the appointment of the third respondent.

Hence, the Writ Petition is dismissed. There shall be

no order as to costs.

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13.06.2007

JSU